IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 15230 of 1994

Between:

1 Boya Ramanna s/o Nagappa, aged: 35 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
2 Boya Yerriswami, aged:32 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
3 Boya Venkatesulu s/o Patanna, aged: 33 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
4 Boya Anjanamma, 38 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
5 Boya Naganna s/o Venkatesulu, aged:28 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
6 Boya Vannurswamy, 37 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
7 Boya K. Prasad s/o Yerriswamy, aged: 29 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
8 Boya Yerriswami, aged:33 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
9 Boya Naganna , 35 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.
10 Boya Venkatesulu s/o Thimmappa, 36 yrs,
R/o. Hanakanahal Vill, Kanekal Mdl. Ananthapur Dist.

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Kaneka Mandal, Ananthapur Dist.
2 The Revenue Divisional Officer, Dharmavaram, Ananthapur Dist.
3 The Joint Collector, Ananthapur
4 The Commissioner of Land Revenue, Govt. of A.P., Hyderabad.
5 Sri Dalappagari Linga Reddy s/o Hanumanthappa
R/o Hanakanahal Vill, Kaneka Mandal,

Ananthapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction mostly one which is in the nature of a writ of mandamus declaring the action of the 4th respondent in issue order dated 08.08.1994 in CLR's Proceedings No. BCW1/1074/94, and the consequential action of the first respondent in issue proceedings Rc.(B)80/90, dt. 08.08.1994 for demolition of the huts of the petitioners and the eviction from the land in Survey No., 483-B of Hanakanahal Village, Kaneka Mandal, Ananthapur Dist. as illegal, irregular, arbitrary, unjustified, unsustainable, unreasonable, unwarranted, contrary to the principles of natural justice null and void an against the established principles of law by setting aside the same.

Counsel for the Petitioner:MR.P.VEERA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5 :Mr.K.G.Krishna Moorthy.

The Court made the following :

ORDER:

This Writ Petition has been filed seeking a direction to declare the action of the fourth respondent in issuing order dated 8.8.1994 in CLR's Proceedings No.BCW1/1074/94 and the consequential action of the first respondent in issuing proceedings Rc.(B)80/90 dated 18.8.1994 for demolition of the huts of the petitioners and evict them from the land in survey No.483-B of Hanakanahal village, Kanekal Mandal, Anantapur District as illegal, improper, unjust and arbitrary.

The case of the petitioners is that they are houseless poor persons and they do not have financial capacity to purchase sites of their own and to construct houses and hence they made applications in the year 1990 to the first respondent for grant of house sites in Survey No.483-B1 of Hanakanahal village which is a tope poramboke and lying vacant and they are under legitimate expectation that pattas would be given to them as the respondents have assured to provide house pattas.

It is stated that the fifth respondent, who is no way connected with the said land, made a representation to the revenue authorities stating that the land in question is required for the purposes of temple as a portion of land was occupied by the temple. It is further alleged that the fifth respondent is creating hurdles and he is making his efforts to see that the pattas should not be allotted to the petitioners.

It is stated that the second respondent personally visited and inspected the land and acquired about the necessity and requirement to provide a portion of the land for temple as well as to the houseless poor persons. It is also stated that the second respondent through proceedings Rc.(G) 1058/90 dated 4.5.1991 set apart a portion of the said land for the temple and for providing house sites to the petitioners and similar other beneficiaries. It is further stated that on representation of the fifth respondent, the third respondent also inspected the land and confirmed the proceedings of the second respondent with slight modification. Against the said order, the fifth respondent filed revision before the fourth respondent and the fourth respondent without appreciating of the facts passed orders in proceedings No.BCW1/1074/94 dt.8.8.1994 granted interim suspension of the order of the Joint Collector pending disposal of the matter filed before him. Questioning the same the present writ petition has been filed.

From the above facts, it is clear that the revision filed before the fourth respondent by the fifth respondent is still pending and hence without going into the merits of the case, it would suffice if a direction is issued to the fourth respondent to dispose of the proceedings pending before him in BCW1/1074/94 within a period of three months from the date of receipt of a copy of this order. If the petitioners are not dispossessed of, the interim order granted by this Court on 26.8.1994 shall continue.

With the above observations this writ petition is disposed of. No costs.

Mhn

17.6.2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer,

Kaneka Mandal, Ananthapur District.
2. The Revenue Divisional Officer,

Dharmavaram, Ananthapur Dist.
3. The Joint Collector, Ananthapur
4. The Commissioner of Land Revenue,

Govt. of A.P., Hyderabad.
5. Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (O.U.T.)

6. Two CD copies